

U.S. Application No. 09/965,148

REMARKS

The Applicants request reconsideration of the rejection.

Claims 1-6 and 49-54 remain pending.

Claims 1-2, 5-6, 46-49 and 54-58 were rejected under 35 U.S.C. §102(e) as being anticipated by Pietraczak et al., U.S. Patent Publication No. 2005/0177849 (Pietraczak). The Applicants traverse as follows.

Claim 1 has been amended to add the subject matter of claim 48, which particularly requires the exclusive memory area to be a restricted memory area subjected to restriction such that at least one of writing, reading, alteration and deletion of the data is prohibited if based on an instruction from a user of said data receiving apparatus, a provider other than said provider, or a sender other than said sender of said data in said storage unit. By this feature, the intention of a data provider or sender in association with processing of received data can be guaranteed.

On the other hand, although one might say that Pietraczak suggests a case in which an electronic program guide (EPG) writer is implemented to treat each EPG loader with a different priority so that higher priority loaders take precedence, in the event of a conflict of multiple loaders attempting to update a description for the same program, Pietraczak cannot guarantee can use the same memory area at another time. That is, Pietraczak does not suggest that the memory area is a restricted memory area subjected to restriction such that one of writing, reading, alteration and deletion of the data is prohibited if based on an instruction from a user of the data

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receiving apparatus, a provider other than the higher priority loader, or a sender other than the higher priority loader.

Accordingly, the invention defined by independent claim 1, and all claims dependent thereon, is patentably distinguishable from Pietraczak. In addition, because a similar limitation has been added to method claim 54, that claim is also patentable over Pietraczak.

Claims 1-2, 6 and 48-54 were also rejected under 35 U.S.C. §102(e) as being anticipated by Zigmond et al., U.S. Patent No. 6,698,020 (Zigmond). The Applicants traverse, noting that, even though one may suggest that Zigmond discloses that advertisers have sole control over data as disclosed in col. 11, lines 50-65, Zigmond discloses that the ad selection rules may be predefined by the viewer. Indeed, this feature is similar to Pietraczak's disclosure that the user can specify an action to be taken when one or more EPG data providers conflict, such as when a movie description provider is given priority over a satellite movie description provider. Thus, Zigmond (and Pietraczak) inherently contains a risk that the data stored in the memory by one party can be deleted afterwards by another. Accordingly, no exclusive memory area as recited in the claims is secured by either Zigmond or Pietraczak. Therefore, the claims are patentable over Zigmond as well.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Pietraczak in view of Hanai et al., U.S. Patent Publication No. 2005/0160455 (Hanai). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Pietraczak in view of Fell et al., U.S. Patent No. 6,674,994 (Fell), and over Zigmond

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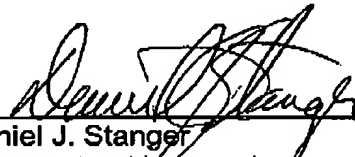
in view of Fell. Because claims 3 and 4 are dependent on claim 1, and because Fell does not provide the teachings missing from Pietraczak and Zigmund as advanced above, claims 3 and 4 are also patentably distinguishable from the prior art of record, whether taken individually or in any motivated combination.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. H-1014).

Respectfully submitted,

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